

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Diageo North America, Inc.,

Plaintiff,

- against -

W.J. Deutsch & Sons Ltd., et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/19/21

17 Civ. 4259 (LLS)

**ORDER**

Diageo's Motions in Limine Nos. 1, 3 and 4, and Deutsch's Motion in Limine No. 4, are resolved as follows:

**Diageo No. 1**

Seventy or less bottles selected by defendants should be more than sufficient to show similarity.

**Diageo No. 3**

Defendants' delay in production of costs seems substantially justified. Defendants must produce all the supporting material they will offer at trial by September 30 and plaintiff may take discovery respecting it by November 30.

**Diageo No. 4**

There shall be no reference, direct or indirect, by any party, witness, lawyer, or person participating in this trial, about Tom Bulleit's alleged misconduct, or publicity about it, in an opening statement, questioning of any witness, argument or address to the Court, offer of evidence, or at any time within the possible hearing of any juror. Any attempted, or effected,

circumvention of this order may be punished as a contempt of court. Counsel must so instruct their witnesses.

If there is an unexpected change of circumstance, counsel may apply in camera, after fair notice to their adversary.

**Deutsch No. 4**

Denied. Arguments about functionality and generic design features are for a properly instructed jury.

Dated: New York, New York  
August 19, 2021

Louis L. Stanton  
LOUIS L. STANTON  
U.S.D.J.